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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	David A. Funck	Art Unit:	2132
Serial No.:	09/992,138	Conf. No.:	4649
For:	METHOD AND APPARATUS FOR SHARING CUSTOMER DATA	Examiner:	Lanier, Benjamin E

Filing Date: November 16, 2001

Attorney
Docket No.: 82969

AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-0001

In response to the Office Action mailed June 18, 2007, please amend the above-identified application as follows:

IN THE CLAIMS

In accordance with 37 C.F.R. § 1.121, the following LISTING OF CLAIMS identifies the claims as "original", "currently amended", "cancelled", "withdrawn", "new" "previously presented", or "not entered" as the case may be. In accordance with the Rules, the text of cancelled and not entered claims is not presented.

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1. (Currently Amended) A telecommunication system for transmitting customer data corresponding to a customer, from a customer station to an agent of an automatic call distributor (ACD), the ACD connected to the telecommunication system through a public switched telephone network (PSTN), the telecommunication system comprising:

a first communication channel forming a complete communication path from the customer station to the ACD using a first communication process;

a customer data processor that operates independently of the first communication process configured to handle two way communication between the customer and the agent of the ACD on the first communication channel under a second communication process that is different than the first communication process, the customer data processor configured to store and process customer data ~~provided~~ manually entered into the customer processor by the customer;

a data encrypter operatively coupled to the customer data processor and configured to encrypt the customer data;

the customer data processor configured to transmit the encrypted customer data to the ACD on the first communications channel upon receiving a predetermined signal; and

a customer data interpreter operatively coupled to the ACD for receiving and decrypting the encrypted customer data to facilitate presentation of the customer data to the agent.

2. (Previously Presented) The system according to claim 1 wherein the customer data is predetermined data and the ACD transmits the predetermined signal to the customer data processor causing the predetermined customer data to be automatically transmitted to the ACD and presented to the agent.

3. (Previously presented) The system according to claim 1 wherein the customer data is sent to the ACD prior to a two way voice communication between the customer and the agent.

4. (Original) The system according to claim 1 wherein the customer data is automatically transmitted to the agent of the ACD prior to a voice communication between the customer and the agent.

5. (Original) The system according to claim 1 wherein the customer data is sent to the ACD during the two way communication between the customer and the agent.

6. (Original) The system according to claim 1 wherein the customer data is sent to the ACD substantially simultaneously with the two way communication between the customer and the agent.

7. (Original) The system according to claim 1 wherein the customer data is automatically transmitted to the agent of the ACD after voice communication between the customer and the agent has terminated.

8. (Original) The system according to claim 1 wherein the customer issues the predetermined signal to facilitate automatic transmission of the customer data to the ACD.

9. (Original) The system according to claim 1 wherein the customer data is selected from the group consisting of a name, address, telephone number, credit card number, customer purchase history, customer complaint history, preferred agent and customer preferences.

10. (Original) The system according to claim 1 wherein the ACD transmits a vendor identification code to the customer data processor, the vendor identification code identifying a specific vendor associated with the communication between the customer and the agent.

11. (Original) The system according to claim 10 wherein the customer data processor assigns one of a plurality of security levels to the vendor identification code.

12. (Original) The system according to claim 10 wherein one of a first security level, a second security level and a third security level is assigned to the vendor identification code, such that all of the customer data is transmitted to the agent if the vendor identification code is assigned the first security level, a predetermined portion of the customer data is transmitted to the agent if the vendor identification code is assigned the second security level, and none of the customer data is transmitted to the agent if the vendor identification code is assigned the third security level.

13. (Original) The system according to claim 1 wherein the customer data processor communicates with the ACD using a voice-over internet protocol (VOIP).

14. (Original) The system according to claim 1 wherein the customer data processor is a voice-over internet protocol (VOIP) telephone.

15. (Original) The system according to claim 1 wherein the customer data processor is contained within a voice-over internet protocol (VOIP) telephone.

16. (Original) The system according to claim 1 wherein the customer data processor includes a computer and a modem configured to facilitate communicate between the customer and the agent of the ACD.

17. (Original) The system according to claim 1 wherein the customer data processor is operatively coupled to a POTS (plain old telephone service) device.

18. (Original) The system according to claim 17 wherein the customer data processor transmits the customer data using a plurality of DTMF tones.

19. (Original) The system according to claim 1 wherein the customer data processor is operatively coupled to a mobile telephone.

20. (Original) The system according to claim 1 wherein the customer data processor is contained within the mobile telephone.

21. (Original) The system according to claim 1 wherein the customer data computer is contained within a personal digital assistant (PDA) operatively coupled to a mobile telephone such that the PDA contains the customer data.

22. (Currently Amended) A telecommunication system for transmitting customer data corresponding to a customer, from a customer station to an agent of an automatic call distributor (ACD), the ACD connected to the telecommunication system through a public switched telephone network (PSTN), the telecommunication system comprising:

a telephonic communication device configured to establish a complete two way communication channel from the customer station to the ACD under a first communication process;

a customer data processing means for storing and processing customer data ~~provided~~
manually entered by the customer;

the customer data processing means operatively coupled to the telephonic communication device;

the telephonic communication device encrypting the customer data and independently transmitting the encrypted customer data to the ACD over the two way communication channel under a second communication process that is different than the first communication process upon receiving a predetermined signal; and

a customer data interpreter operatively coupled to the ACD for receiving and decrypting the encrypted customer data to facilitate presentation of the customer data to the agent.

23. (Previously Presented) A telecommunication system for transmitting customer data corresponding to a customer from a customer station to an agent of an automatic call distributor (ACD), the ACD connected to the telecommunication system through a public switched telephone network (PSTN), the telecommunication system comprising:

a telephonic communication device adapted to establish a complete communication channel from the customer station to the ACD under a first communication process using voice-over internet protocol (VOIP);

a customer data processor operatively coupled to the telephonic communication device for storing and processing customer data provided by the customer;

a data encryption device operatively coupled to the customer data processor and configured to encrypt the customer data;

the telephonic communication device configured to independently transmit the encrypted customer data to the ACD over the two way communication channel under a second communication process that is different than the first communication process upon receiving a predetermined signal; and

a customer data interpreter operatively coupled to the ACD configured to receive and decrypt the encrypted customer data and present the customer data to the agent.

24. (Previously Presented) A method for transmitting customer data corresponding to a customer from a customer station to an agent of an automatic call distributor (ACD), the ACD connected to the telecommunication system through a public switched telephone network (PSTN), the method comprising the steps of:

providing a voice-over internet protocol (VOIP) communication device, the VOIP communication device adapted to establish a complete communication channel from the customer station to the ACD under a first communication process using VOIP;

storing customer data provided by customer, in a customer data processor of the telephonic communication device, the customer data processor operatively coupled to the telephonic communication device;

encrypting the customer data;

independently transmitting the encrypted customer data to the ACD over the communication channel under a second communication process that is different than the first communication process upon receiving a predetermined signal;

receiving and decrypting the customer data by a customer data interpreter, the customer

data interpreter operatively coupled to the ACD; and

presenting the decrypted customer data to the agent of the ACD.

25. (Original) The method according to claim 24 wherein the ACD transmits the predetermined signal to the customer data processor causing the customer data to be automatically transmitted to the ACD and presented to the agent.

26. (Original) The method according to claim 24 wherein the customer data is automatically transmitted to the agent of the ACD prior to a voice communication between the customer and the agent.

27. (Original) The method according to claim 24 wherein the customer issues the predetermined signal to facilitate automatic transmission of the customer data to the ACD.

28. (Original) The method according to claim 24 wherein the customer data is selected from the group consisting of a name, address, telephone number, credit card number, customer purchase history, customer complaint history, preferred agent and customer preferences.

29. (Original) The method according to claim 24 wherein the ACD transmits a vendor identification code to the customer data processor, the vendor identification code identifying a specific vendor associated with the communication between the customer and the agent.

30. (Original) The method according to claim 29 wherein the customer data processor assigns one of a plurality of security levels to the vendor identification code.

31. (Original) The method according to claim 29 wherein one of a first security level, a second security level and a third security level is assigned to the vendor identification code,

such that all of the customer data is transmitted to the agent if the vendor identification code is assigned the first security level, a predetermined portion of the customer data is transmitted to the agent if the vendor identification code is assigned the second security level, and none of the customer data is transmitted to the agent if the vendor identification code is assigned the third security level.

32. (Original) The method according to claim 24 wherein the customer data processor is operatively coupled to a POTS (plain old telephone service) device.

33. (Original) The method according to claim 32 wherein the customer data processor transmits the customer data using a plurality of DTMF tones.

34. (Original) The method according to claim 24 wherein the customer data processor is operatively coupled to a mobile telephone.

35. (Original) The method according to claim 24 wherein the customer data computer is contained within a personal digital assistant (PDA) operatively coupled to a mobile telephone such that the PDA contains the customer data.

36. (Currently Amended) A telecommunication system for transmitting customer data corresponding to a customer from a customer station to an agent of an automatic call distributor (ACD), the ACD connected to the telecommunication system through a public switched telephone network (PSTN), the telecommunication system comprising:

a communication means configured to establish a complete two way communication channel from the customer station to the ACD under a first communication process;

a customer processing means that operates independently of the first communication

process and that is configured to handle two way communication between the customer and the agent of the ACD, the customer processing means configured to store and process customer data ~~provided~~ manually entered by the customer;

means for encrypting the customer data, the means for encrypting operatively coupled to the customer processing means;

the customer processing means configured to transmit the encrypted customer data to the ACD over the two-way communication channel under a second communication process that is different than the first communication process upon receiving a predetermined signal; and

a customer data interpreter operatively coupled to the ACD for receiving and decrypting the encrypted customer data to facilitate presentation of the customer data to the agent.

37. (Original) The system according to claim 36 wherein the ACD transmits the predetermined signal to the customer processing means causing the customer data to be automatically transmitted to the ACD and presented to the agent.

38. (Original) The system according to claim 36 wherein the customer issues the predetermined signal to facilitate automatic transmission of the customer data to the ACD.

39. (Original) The system according to claim 36 wherein the customer data is selected from the group consisting of a name, address, telephone number, credit card number, customer purchase history, customer complaint history, preferred agent and customer preferences.

40. (Original) The system according to claim 36 wherein the ACD transmits a vendor identification code to the customer processing means, the vendor identification code identifying a specific vendor associated with the communication between the customer and the agent.

41. (Original) The system according to claim 40 wherein the customer processing means assigns one of a plurality of security levels to the vendor identification code.

42. (Original) The system according to claim 36 wherein the customer processing means communicates with the ACD using a voice-over internet protocol (VOIP).

43. (Original) The system according to claim 36 wherein the customer processing means is a voice-over internet protocol (VOIP) telephone.

44. (Original) The system according to claim 36 wherein the customer processing means is contained within a voice-over internet protocol (VOIP) telephone.

45. (Original) The system according to claim 36 wherein the customer processing means is operatively coupled to a mobile telephone.

46. (Original) The system according to claim 17 wherein the POTS device includes a modem configured to convert the customer data into bitstream data and transmit the converted data to the ACD.

REMARKS

Reconsideration and further examination of the subject patent application is respectfully requested in view of the RCE submitted herewith, and in view of the present Amendment, and the following Remarks. Claims 1-46 are currently pending in the application. Claims 1, 22-24, and 36 have been rejected under 35 U.S.C. §112 as failing to comply with the written description requirement. Claims 1-9, 16-20, 22, 36-39 and 45-46 have been rejected under 35 U.S.C. §102(e) as being anticipated by Schulze et al. ("Schulze") (U.S. Pub. No. 2001/0027384). Claims 13-15, 21, 23-28, 32-35, and 42-44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schulze in view of U.S. Pat. No. 6,857,072 to Schuster et al. ("Schuster"), and claims 10-12, 29-31, 40 and 41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Schulze in view of U.S. Pat. No. 6,823,318 to Creswell et al. ("Creswell"). Independent Claims 1, 22, and 36 have been amended. After careful review of the references and the claims, it is believed that the claims are in allowable form and therefore a Notice of Allowance is respectfully requested.

Claims 1, 22-24, and 35 have been rejected for adding "complete communications path" without support in the original disclosure. Applicant respectfully traverses this rejection. The terms "complete" and "communication path" are common English words (e.g., complete – having all necessary parts, Webster's New Collegiate Dictionary; path – the physical route a telecommunications signal follows from transmitter to receiver, Newton's Telecom Dictionary). Thus, the phrase complete communications path is clear, and simply means a path (route) of communication extending completely (entirely) from the customer station to the ACD. The term

complete was inserted into the claim merely to clarify it is the entire path from end to end that is claimed. Further, such a complete path is shown in, for example, Fig. 1 and Fig. 2, wherein the path is from the customer station 42 thru the PSTN 18 to the ACD 16 as described at p. 4, lines 11-14 of the specification; and Fig. 4 wherein the path is from the VOIP phone 86 thru the PSTN 18 to the ACD 16 as described at p. 9, first full paragraph. Other examples are shown in Fig. 5 and 6. Thus, the claimed subject matter is clearly claimed and fully disclosed in the specification. Accordingly, withdrawal of the rejected under 35 U.S.C. §112 is respectfully requested.

Claims 1-9, 16-20, 22, 36-39 and 45-46 have been rejected as anticipated by Schulze. Independent claims 1, 22, 23, 24 and 36 recite that the communication channel that connects the customer and agent forms a complete communication path from the customer station to the ACD. Thus, the claimed first communication process and second communication process are on the same channel between the same endpoints. Claim 1 has been amended for clarification of the first channel path and claims 1, 22, and 36 for manual entry of data (see e.g., p. 6, last 3 lines).

In contrast, Schulze involves two separate communications channels and automatically acquired data. In Schulze, as shown in Fig. 1 and described at paragraph 0047-48, voice traffic is transmitted through the communications channel made up of the combined wireless network 20 and the PSTN 22 to the 911 operator or medical care provider, but data is transmitted over a different communications channel established thru the network 20 through an Interworking Function 24 to the Internet 26 for retrieval through the host 30. Thus, there are two different communications channels to different destinations.

The Office Action asserts that Schulze sends data over the cellular network to the host and transmits voice and data over the cellular network. However, no “complete communication path from the customer station to the ACD” as claimed is established in Schulze solely through the cellular network (i.e. in Schulze, the network 20 alone cannot form a channel which connects the customer and the ACD). As described in the cited paragraph 0045, Schultze describes the data as being transmitted “over a cellular network to the Internet and then to the Host”, and in para. 0044 “Data from the monitoring system are then sent in a wireless mode over a cellular network to the Internet and then to a data analysis center (Host).” Thus, the data is transmitted over a cellular network/IWF/ internet communications channel which is necessarily a different channel than the channel used for voice communication which is a channel established through the cellular system 20 and the PSTN 22. (Para. 0048 “...voice traffic is being transmitted from the patient, a cellular network 20 connects the public telephone network 22...”). These two different communications channel paths can be seen clearly in Fig. 1, with the voice path from the MVPKM 22 through the WN 20 on voice channel 14 through the WN 20 then thru the PSTN 27 to provider 28; and the data path from MVPKM 12 through NW 20 through IWF 24 then thru Internet 26 to Host 30. These are clearly different channel paths to different destinations (with the provider having to subsequently retrieve the data from the Host).

The Office Action asserts that Schultze discloses transmission of voice and data over the cellular network 20 to the medical care provider 28, and that the application specification does not disclose the specific path with which the voice and data travel to the destination. However, Schultze, as discussed above, does not disclose transmission from the customer to the ACD on

the same channel as claimed. As discussed above, the complete communication path for voice and data from customer to ACD is shown and described in the specification (also see p. 4, lines 8-20; p. 6, lines 4-6, Fig. 1, p. 9, lines 22-28, Fig. 5, p. 10, lines 6-18, Fig. 6). Therefore, Schultze's use of a different path results in a substantially different system in which data is first stored at the remote host and then later relayed to the medical care provider 28. In addition, Schultze does not concern manually entered customer data as claimed in claims 1, 22 and 36. Therefore, independent claims 1, 22, 23, 24 and 36 which claim use of the same channel to the same destination (i.e. the ACD) for both communication processes, are believed to be distinguishable over Schulze. In addition, neither Schuster, nor Creswell disclose this feature. Thus, independent claims 1, 22, 23, 24 and 36 are believed to be allowable over any combination of the cited references. The dependent claims 2-21, 25-35, and 37-46 are also believed to be allowable because they depend from allowable base claims.

For the foregoing reasons, applicant submits that the subject application is in condition for allowance and earnestly solicits a Notice of Allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, the Examiner is respectfully requested to call the undersigned at the below-listed number.

The Commissioner is hereby authorized to charge any additional fee which may be required for this application under 37 C.F.R. §§ 1.16-1.18, including but not limited to an extension of time fee, RCE fee, or the issue fee, or credit any overpayment, to Deposit Account No. 23-0920. Should no proper amount be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal, or even entirely missing, the

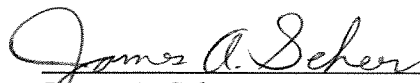
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Commissioner is authorized to charge the unpaid amount to Deposit Account No. 23-0920. A duplicate copy of this sheet(s) is enclosed.

Respectfully submitted,

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Dated: September 18, 2007

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